

IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: SADIE B. PEREZ, : **CHAPTER 13**
Debtor : **BANKRUPTCY NO. 18-10107**

ORDER

AND NOW, this _____ day of May, 2018, upon consideration of the Motion of Select Portfolio Servicing, Inc. for relief from automatic stay in this case, and the Debtor's Answer thereto, it is hereby ORDERED that the Motion is **DENIED**.

J.

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DEBTOR'S ANSWER TO MOTION OF MIDFIRST BANK FOR RELIEF FROM THE AUTOMATIC STAY

1. The allegations of paragraphs 1, 2, 4, and 5 of the Motion are admitted.
2. The allegations of all of the remaining paragraphs are denied or denied as stated and strict proof of same is demanded at any hearing.

AFFIRMATIVE DEFENSES

3. The Debtor is unable to admit or deny that the Movant is the owner or servicer of the Mortgage on the Debtor's property at issue, and therefore proof of standing of the Movant to maintain this Motion on behalf of the mortgagor of the property is demanded. .
4. The Debtor and her counsel contacted the Movant to attempt to obtain information regarding the amount of the mortgage payment and how and where to make payment, but the Movant's representative refused to provide this information. As a result, the Debtor believes that it is unfair for the Movant to require her to make payments prior to the filing of this Motion, where amounts due are for the first time set forth, and it is also unfair to attempt to charge her fees and costs for maintaining this Motion under these circumstances.

5. The Debtor is now aware of the Movant's demands, and would like an opportunity to amicably resolve her future payment obligations with her mortgagee on this property.
6. The Debtor's counsel has an engagement out of the City on May 1, 2018, and therefore is obliged to request a continuance of the hearing if this matter cannot be resolved before the hearing date.

WHEREFORE, the Debtor requests that this court deny the Motion or, in the alternative, condition the future automatic stay on certain conditions, and that the hearing of May 1, 2018, be continued if the matter is not resolved by that date.

Dated: April 14, 2018

Attorney for Debtor

/s/DAVID A. SCHOLL
512 Hoffman Street
Philadelphia, PA. 19148
610-550-1765